

## **REMARKS**

Prior to this Reply, Claims 1-9, 11, 13, 14, 17-25, 27 and 28 were pending. Through this Reply, Claims 11, 13, 20 and 27 have been amended, while Claims 29-41 have been added. No claims have been cancelled. Accordingly, Claims 1-9, 11, 13, 14, 17-25, 27-41 are now at issue in the present case.

### **I. Allowable Subject Matter**

Applicants note, with thanks, that the Examiner has indicated that Claims 1-9, 23-25 and 28 have been allowed. Applicants have not amended such claims. Accordingly, Applicants still believe that such claims are allowable.

### **II. Rejection Under 35 U.S.C. § 102(b)**

The Examiner rejected Claims 11, 13-14, 17-19, 21 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,668,679 to Swearingen et al. (hereinafter "Swearingen").

Applicants have amended Claim 11 to require the step of "positioning a transducer over the disk surface using the servo track writer in a closed-loop manner, so that the transducer follows the spiral profile." Applicants believe that Swearingen fails to disclose the above-quoted limitation. Support for the "closed-loop" limitation is found at least on page 10, lines 1-2 of the present application.

Swearingen discloses a non-invasive servowriter. In particular, the servowriter eliminates the need for physical insertion of either an external control arm or a dedicated clock head into the target disk drive prior to or during servowriter operation. Col. 2, line 64 to Col. 3, line 5. When writing spiral tracks, Swearingen does so in an open-loop manner. See, e.g., Col.

8, lines 25-27; Col. 3, lines 48-50; and, Col. 5, lines 21-30. Nowhere does Swearingen teach “positioning a transducer over the disk surface using the servo track writer in a closed-loop manner, so that the transducer follows the spiral profile,” as claimed by Claim 11.

For at least the above reasons, Applicants believe that Claim 11 is patentably distinguishable from Swearingen. For at least the same reasons, Applicants believe that all claims that depend from Claim 11 are likewise patentably distinguishable from Swearingen.

### **III. Rejection Under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 20 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Swearingen in view of U.S. Patent No. 5,583,712 to Brunnelle (hereinafter “Brunnelle”). Applicants respectfully traverse the rejection.

Claims 20 and 27 both require spiral patterns to be written “in a random manner about the disk surface.” In rejecting Claims 20 and 27, the Examiner relies on Figs. 5A and 5B of Brunnelle and the corresponding disclosure relating to such figures.

In Col. 7, lines 26-44, Brunnelle states:

In order to fully optimize a spiral implementation, a forward/reverse spiral approach may be implemented. Fig. 5A shows a disk surface having a forward spiral which advances from the outer diameter to the inner diameter. Fig. 5B shows a disk surface having a reverse spiral which advances from the inner diameter to the outer diameter. *In this embodiment, one surface of each of the disks is recorded as a forward spiral, while the other surface of each of the disks is formatted as a reverse spiral. In other words, the first surface is recorded in one direction (e.g., outer to inner diameter). Once that surface is completed, a head switch is performed and a spiral is recorded in the opposite direction. Thereby, this embodiment eliminates a full stroke seek back to the start position of the first surface. This process is repeated until all surfaces are recorded.* Thus, the contents of the entire pack could be transferred in as many revolutions as there are

servo tracks plus  $n-1$  head switch delays, where  $n$  equals the number of heads. (emphasis added)

Clearly, Brunnelle is teaching that a first surface has spirals written in a first direction and a second surface has spirals written in the opposite direction. That is, Brunnelle discloses the direction of the spirals. However, in the above-quoted paragraph, Brunnelle does not disclose the order in which spirals are written on each of the disk surfaces.

As explained on page 17, lines 15-18 of the present application, instead of writing spirals in a sequential order about the disk surface (see, e.g., Fig. 13), spirals may be written in a random order about the disk surface. To clarify Claims 20 and 27, such claims have been amended to replace the word “manner” with the word “order.”

For at least the above reasons, Applicants believe that Claims 20 and 27 are patentably distinguishable from Brunnelle.

#### **IV. Amendment to Specification, Amendment to Claim 13 and New Claims 29-41**

The Specification (i.e., the paragraph beginning on page 6, line 11) has been amended to correct an obvious grammatical error. No new matter has been added.

Applicants have amended Claim 13 in view of the amendment to Claim 11. In addition, Applicants have added new Claims 29-41.

Applicants believe that Claims 29 and 31 are patentably distinguishable from Swearingen for reasons similar to those presented with respect to Claim 11. Note that Claim 29 is broader than Claim 11.

Applicants believe that Claim 30 is patentably distinguishable from Swearingen because Swearingen does not disclose a servo track writer that has an actuator arm. In fact, Swearingen

teaches away from using a servo track writer with an actuator arm. See, e.g., Col. 2, line 64 to Col. 3, line 5 and Fig. 3.

Applicants believe that Claim 32 is patentably distinguishable from Swearingen and Brunnelle for reasons similar to those presented with respect to Claims 20 and 27.

Applicants believe that Claims 33-41 are patentable for reasons similar to Claims 1-9, which have been allowed.

#### **V. Additional Claim Fees**

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

**Fee Calculation Table**

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(e))	36	Minus	26	= 10	x \$18 =	\$ 180.00
Independent (37 CFR 1.16(b))	10	Minus	5	= 5	x \$86 =	\$ 430.00

As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for twenty-six (26) total claims and for five (5) independent claims. Accordingly, Applicants believe additional claim fees in the amount of \$610.00 are due for the presentation of ten (10) total claims in excess of twenty-six (26) and for the presentation of five (5) independent claims in excess of five (5). The Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for the additional claim fees, along with any fee deficiencies associated with filing this paper.

**VI. Conclusion**

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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